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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,935	04/16/2004	Gayle M. Bradley	GMB-001	9007

26654 7590 03/02/2006

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EXAMINER

THOMPSON, HUGH B

ART UNIT PAPER NUMBER

3634

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/825,935

Applicant(s)

BRADLEY, GAYLE M.

Examiner

Hugh B. Thompson II

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8-5-04 8-13-04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, 10, 12-18, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nauman #4,913,428. Nauman, as best seen in Figures 5(multiple attachment points) and 6, and recited in column 2, lines 1-5, discloses a safety net system comprised of stakes 4a, supporting and attached to a net/tarp therebetween at 2 locations, the lower end of the stakes having ground inserted curved prongs 3 being wider in one dimension than another, and the net being located close to a support surface when in use.

Claims 1, 7, 9, 10, 12, 18, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Long #5,407,178. Long discloses a safety net system comprised of stakes 12, supporting and attached to a flexible plastic net 14, 16 (net apron), therebetween at 44, 60, the net apron being located on a support surface when in use, the width of the net being about 17 feet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3634

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long or Nauman as advanced above, and further in view of Huebner #5,394,927. Long or Nauman fail to disclose snap hooks attachment points. Huebner, as recited in column 5, lines 1-3, teaches the utility of hooks 26 *or any other suitable fasteners (i.e. snap hooks)* used to secure safety net barrier 12 to posts 14. Therefore, to one of ordinary skill in the art, it would have been obvious, as a matter of engineering design choice, to use any suitable fasteners, i.e., snap hooks, that allow for quick and simple attachment of the net to the posts, while producing no new and unexpected results.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long or Nauman as advanced above. Long nor Nauman fail to disclose a net height of at least 2 feet. The dimensioning of the net is no more than an obvious design choice, not expected to produce any new or unexpected results. Therefore, to one of ordinary skill in the art, it would have been obvious, as a matter of engineering design choice, to dimension the net in the manner as claimed, while producing no new and unexpected results.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Valkenburgh #659,424, Fussell #1,153,380, Banks #1,402,561, Eskell #1,459,723, Tricarico #2,554,887, Barreca #2,812,945, Adams #4,086,735, Kendziorski #4,407,505, Rushing et al #4,842,284, Hernandez #4,993,719, McKay #5,106,101, Hall #5,156,408, Brower


Art Unit: 3634

#5,180,143, Robl #5,326,109, Stidham #5,473,839, White #5,653,308, Wong et al #5,885,176, Thommen, Jr. #5,961,099, and Chen #6,685,155 are cited to teach net and post assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hugh B. Thompson II
Primary Examiner
Art Unit 3634

February 28, 2006